

CITY OF SEATTLE CIVIL SERVICE COMMISSION
CASE STATUS REPORT
4th Quarter 2009

BEFORE THE CIVIL SERVICE COMMISSION:

| CASE # | APPELLANT | DEPT | FILED | RULE OR CODE | ISSUE | APPEAL SUMMARY/STATUS | HEARING OFFICER |
|-----------|------------|----------------|----------|---|---|--|-------------------|
| 09-07-014 | [REDACTED] | Retirement | 10-27-09 | | Whether Termination was for just cause | <i>Appellant alleges position was eliminated in Feb/March '09 with duties "delegated to others" 2 new positions created and advertised in August & October to perform same duties.</i> | Commission |
| 09-01-013 | [REDACTED] | Seattle Center | 10-2-09 | Progressive Discipline 1.3.3m 1.3.4B, C 1.3.5, 6, 7A | Whether Termination was for just cause | <i>Appellant alleges termination violates Seattle Municipal Code(s), City Charter(s), and Personnel Rule(s). 1st prehearing scheduled for November 12, 2009.</i> | Chris Mathews |
| 09-03-006 | [REDACTED] | DoIT | 05-22-09 | Classification 2.1; 2.2; 2.3 Compensation 3.1; 3.4; 3.12 | Whether reclassification process/reconsideration was properly followed. | <i>Appellant alleges the reclassification/reconsideration process was not followed for job title and alignment with duties and assignments appellant is currently performing. The 1st Prehearing took place on June 19, 2009. The Hearing is scheduled for July 29 & 30. Parties closing briefs due, September 2, 2009. Decision issued on September 17. Appellant filed a Petition for Review. Commission will review at its next scheduled meeting November 18, 2009.</i> | Diane Hess Taylor |


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DELEGATED TO THE OFFICE OF THE HEARING EXAMINER

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|-----------|------------|----------------------------------|---------|--|--|---|-----------------|
| 09-01-012 | [REDACTED] | Parks | 8-28-09 | | Whether suspension was for justifiable cause | <i>Appellant alleges suspension was not justified. Prehearing is scheduled for September 23, 2009. Hearing scheduled for January 11, 2010.</i> | OHE |
| 09-01-011 | [REDACTED] | SDOT | 8-19-09 | | Whether suspension was for justifiable cause | <i>Appellant alleges suspension was not justified. Prehearing is scheduled for September 16, 2009. Hearing scheduled for October 19, 2009. November 4, Hearing Examiner issued a Findings and Decision. Pending affirmation of the Commission at its next meeting on November 18.</i> | OHE |
| 09-01-010 | [REDACTED] | Fleets | 7-31-09 | | Whether discharge was for justifiable cause | <i>Appellant alleges discharge was not for a justifiable cause. Prehearing scheduled for September 2, 2009. Hearing Scheduled for September 30, 2009. Hearing scheduled for December 7, 2009.</i> | OHE |
| | | Galen Mauden, HR Mgr. | | | | | |
| 09-01-009 | [REDACTED] | Light | 7-21-09 | 4.1.7 Final Selection; 13.3. Order of Severity of the Disciplinary Action | Whether suspension was for justifiable cause | <i>Appellant alleges the investigation conduction was flawed. Management neglected to consider the information provided at the Loudermill Meeting. Disparate treatment for procedures; Talent acquisition protocols were not followed. Disciplinary action does not commensurate with the offense. Age Discrimination (this portion referred to Seattle Office for Civil Rights.) Prehearing scheduled for November 24, 2009.</i> | OHE |

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CLOSED APPEALS

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|-----------|---|-------|---------|--------------|---|--|-----------------|
| 09-07-005 |  | Light | 5-20-09 | | Whether department followed procedures regarding Progressive Discipline | <p><i>Appellant alleges the department did not follow procedure for Progressive Discipline.</i> 1st Prehearing took place on June 22, 2009.</p> <p>Pending decision of Hearing Officer regarding Motion by SCL to Dismiss for Lack of Jurisdiction. July 30, 2009 the Hearing Officer issued Findings of Fact Conclusions of Law and Decision and Order on Respondent's Motion to Dismiss. The Commission will review the Petition for review at its next scheduled meeting, September 16, 2009. Commission will review Modified Findings of Fact at its next scheduled meeting, October 21, 2009.</p> <p><i>Commission reviewed and approved Modified Findings of Fact. Order of Dismissal issued on October 21, 2009. Appeal Closed.</i></p> | Chris Mathews |

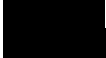
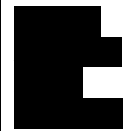


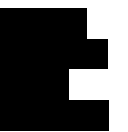
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| 09-01-007 | [REDACTED] | SPU [REDACTED] | 6-10-09 | | Whether Suspension was for Justifiable Cause | <i>Appellant alleges suspension was not for justifiable cause. 1st prehearing took place on Jun 29, 2009. Hearing is scheduled for September 29, 30 & October 1 (if necessary). The parties reached a Settlement Agreement. Appellant withdrew appeal. Order of Dismissal issued October 13, 2009. Appeal Closed.</i> | Chris Mathews |
| 09-01-004 | [REDACTED] | Light [REDACTED] | 2-12-09 | | Whether due process rights were observed in the administration of the disciplinary process. | <i>Appellant alleges resignation was coerced and department did not provide appellant option to revert to position prior to lateral transfer. 1st prehearing took place on March 24, 2009. Oral Arguments* took place on May 20, 2009. Decision on Jurisdiction Pending. Hearing Officer issued a decision on June 10, 2009. The Commission affirmed the Hearing Officers decision at its June 17, 2009 Commission meeting. The 2nd prehearing took place on July 6, 2009. 3rd prehearing postponed. The parties reached a Settlement Agreement. Appellant withdrew appeal. Order of Dismissal issued August 10, 2009. Appeal Closed.</i> | Diane Hess Taylor |

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| 09-01-001 |  | Light  | 1-7-09 | Workplace Expectations 1.3; 1.5 | Whether suspension was justifiable | <i>Appellant alleges suspension was not for justifiable cause. 1st prehearing took place on February 11, 2009. Hearing took place on April 27-30, 2009. Appellant withdrew appeal after department reversed discipline to written reprimand and restored appellant's eligibility for City Light promotions or any discretionary out-of-class opportunities. The parties reached a Settlement Agreement. Appellant withdrew appeal. Order of Dismissal issued April 14, 2009. Appeal Closed.</i> | Chris Mathews |
| 09-01-003 |  | Library | 2-9-09 | | Whether discharge was justifiable. | <i>Appellant alleges discharge without formal evaluation of work. Commission to review jurisdictional issues at its February 18, 2009 meeting. The Commission reviewed at its February 18, 2009 meeting, and ruled in favor of the language per the Seattle Municipal Code, section 4.13.020 that Seattle Public Library employee positions are exempt from Civil Service. Order of Dismissal Issued February 18, 2009. Appeal Closed.</i> | Commission |
| 08-02-002 |  | Light  | 10-1-08 | | Whether discharge was for justifiable cause | <i>Appellant alleges his discharge was without warning or opportunity to correct action. 1st Per-hearing conference took place on October 22, 2008. Hearing and Discovery schedules set. 2nd Per-hearing (if necessary) is scheduled for November 10, 2008. 3rd Per-hearing (if necessary) is scheduled for November 20, 2008. Hearing is scheduled for December 2 & 3, 2008. A 2nd pre hearing took place on November 10, 2008. The hearing officer ruled on appellant's request for extension to submit witness and exhibit lists. The hearing officer granted the request. The hearing officer also reviewed the respondents Motion in Limine. The hearing officer will rule on the motion on November 14, 2008. Commissioner has recused himself from discussion or action regarding this appeal. The hearing took place on December 2, 3, & 4. Parties submitted Post Hearing Memorandums. Hearing Officer issued Findings of Fact, Conclusions of Law and Decision on January 28, 2009. A Petition for review was not filed. The Commission affirmed the decision of the hearing officer at its February 18, 2009 meeting. Order of Dismissal issued February 23, 2009. Appeal Closed.</i> | Chris Mathews |

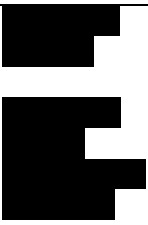

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| 09-01-002 | [REDACTED] | Police | 1-5-09 | | Whether resignation was justified | <i>Appellant alleges he was coerced into resigning. At the request of the appellant the Commission reviewed appeal at its January 21, 2009 meeting. The Commission unanimously agreed that the appeal was non timely filed and the Commission does not have jurisdiction over this appeal. Order of Dismissal issued January 21, 2009. Appeal Closed.</i> | Commission |
| 08-01-004 | [REDACTED] | Parks [REDACTED] | 11-8-08 | | Whether suspension was for justifiable cause | <i>Appellant alleges the Fact Finding process was “hurried and flawed” and not reviewed for accuracy by her supervisor, delivered to the Deputy Superintendent without thorough knowledge of the project or its needs. Omission of corrections to errors in the Fact Finding did not appear in the final record nor acknowledged. Appellant alleges the she was not a “significant contributing factor” to the project being behind schedule. 1st pre hearing was held on December 9, 2008. Hearing Officer directed parties to discuss and possibly schedule Alternative Dispute Resolution (ADR). A CSC hearing is scheduled for February 24 & 25, 2009. December 12, 2008. Received Withdrawal of Counsel and Substitution of Representative. Appellant withdrew appeal. Order of Dismissal issued January 29, 2009. Appeal Closed.</i> | Diane Hess Taylor |

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| 07-01-004 |  | SEA Center  | 2-7-07 | Pers. Rule 1.3.3 (B) Order of Severity of Disciplinary Action and 1.3.4 (B) Major Disciplinary Offenses | Whether discharge was for justifiable cause. | <i>Appellant alleges altercation between himself and student of the Center High School was an issue of self-defense.</i> 1 st Pre-Hearing scheduled for April 4, 2007. Hearing scheduled for June 18-21. Closing Briefs due on July 9, 2007. Decision pending. Decision on Hearing issued by Hearing Officer on July 27, 2007. Pending Commission review at its September 19, 2007 meeting. August 27, 2007 CSC issued an Order for Remedy to parties. Commission affirmed decision of hearing officer at its September 19, 2007 meeting. The Commission issued a Response to Motion and Order on Remedy September 19, 2007. Appeal in “pending” status until appellant exhausts excess vacation hours carried over to December 31, 2008, or any vacation hours appellant accrued between February 2, 2007 and September 4, 2007, and any other excess vacation hours accrued from September 5, 2007, to December 31, 2007. Commission will issue a dismissal order after 12/31/08. January 2009, Parties submitted statements of compliance regarding appellant’s excess vacation hours. <i>Dismissal order issued January 13, 2009. Appeal dismissed.</i> |

**Diane
Hess
Taylor**

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CLOSED CASES SUPERIOR COURT:

| CASE # | APPELLANT | DEPT. | FILED | RULE OR CODE | ISSUE | APPEAL SUMMARY |
|-----------|--------------------------|--|---------|--------------|--|--|
| 97-01-006 | [REDACTED] | Seattle Center Fritz Wollett, ACA | 3/10/97 | | Suspended without cause. Claims Last Chance Agreement signed under duress. Discharge without just cause. | <i>Hearing Examiner issued decision on 9/9/97 upholding timeliness on one part of Appellant's motion, but not on another.</i> Court of Appeals remanded case to CSC for review. (CSC believes it does not have jurisdiction over appellant.) Case remains inactive, as Appellant has not pursued since mandate issued by Court of Appeals. Followed up with Law Department 3/4/05 re status of case. Update 7/20/09 : <i>Appellant failed to pursue for 3 years after Mandate was issued by the Court of Appeals. The Court of Appeals reversed in part and remanded on the issue of the Hearing Examiner failing to decide the appeal within 90 days. Petitions for Review on this issue were filed by both parties with the Supreme Court. The Supreme Court denied the Petitions and the Court of Appeals issued the Mandate back to King County Superior Court. Appellant failed to initiate proceedings. File closed by the City Attorney's office.</i> |
| 97-01-016 | [REDACTED] [REDACTED] | Parks Fritz Wollett, ACA | 8/5/97 | | Lay-off in violation of Pers Rules | <i>Appellant was Intermittent and appeal was not timely filed</i> Superior Court issued order 2/29/00 reversing CSC. Decision entered 8/17/01, reversed and remanded to trial court to consider appellant's petition. Remains in the discovery phase, no trial date set yet. Followed up with Law Department 3/4/05 re status of case. Court stayed case pending outcome of "Glaser" case. Update 7/20/09 : <i>Appellant filed a voluntary dismissal on 12/4/08 after reaching settlement. Case is Closed</i> |